

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-27714

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 18, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on August 18, 2009. Claimant was represented by [REDACTED]

ISSUE

Whether claimant has established disability for Medical Assistance (MA).

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) March 24, 2009, claimant applied for MA and retroactive MA.
- (2) April 7, 2009, the Medical Review Team (MRT) denied claimant's application.

Department Exhibit A.

- (3) April 7, 2009, the department sent claimant written notice that the application was denied.

(4) May 11, 2009, the department received claimant's timely request for hearing.

(5) July 15, 2009, the State Hearing Review Team (SHRT) denied claimant's application. Department Exhibit B.

(6) August 18, 2009, the in-person hearing was held. Prior to the close of the record, the claimant requested that the record be left open for additional medical evidence. Claimant waived the right to a timely hearing decision. October 5, 2009, after review of medical evidence, the SHRT found that there was insufficient evidence to make a determination and requested additional medical evidence. SHRT Decision, 10-5-09. Additional medical evidence was provided and submitted to the SHRT. February 23, 2010, after review of all available medical evidence, the SHRT approved claimant's application with a disability effective date of February 2009. Medical review was set for February 2013. SHRT Decision, 2-23-2010.

(7) Claimant meets the disability requirements to qualify for MA effective February 2009.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested. Bridges Eligibility Manual (BEM) 260; 42 CFR 435.540, .541; MCL 400.106.

In this case, the claimant received a fully favorable decision from the SHRT regarding claimant's disability. The SHRT determined that claimant is disabled and disability onset effective February 2009. Finding of Fact 6-7. As such, it is not necessary for the Administrative Law Judge to discuss claimant's disability. Claimant meets the disability requirements under the law for Medical Assistance effective February 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has established disability for Medical Assistance effective February 2009.

Accordingly, the department's action is, hereby, REVERSED. If it has not already done so, the department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance beginning February 2009. If otherwise eligible, medical review is set for February 2013.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 9, 2010

Date Mailed: April 20, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

2009-27714/jab

JAB/db

cc:

